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6 March 1992

ORIGINAL: ENGLISH

LETTER DATED 6 MARCH 1992 FROM THE REPRESENTATIVES OF FRANCE, KUWAIT, SAUDI ARABIA, THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE UNITED STATES OF AMERICA ADDRESSED TO THE SECRETARY-GENERAL

On instructions from our Governments, we should like to inform you of the following:

- Iraq's latest letter of 28 February 1992 (S/23661) on the issue of detained Kuwaiti and third country nationals is once again an attempt by Iraq to delay fulfilling its commitments under the Geneva Conventions and the relevant Security Council resolutions.

- The Iraqi letter is no more than a belated and restrictive declaration of intent. It refers to Iraq's preparedness to take the necessary measures to publish the names of the missing, and preparedness to reach agreement on the details with the head of the ICRC in Baghdad. At the 16-17 October 1991 Tripartite Commission meeting in Geneva it was proposed that the Government of Iraq publish the names of the missing in the Iraqi media, with repeated publication as necessary, and with a request that the public provide any information on these persons to the ICRC. To date, Iraq has not published any names in any part of the media.

- The letter also refers to Iraq's preparedness to arrange for visits for ICRC representatives to prisons and places of detention, and its preparedness to reach agreement on the details with the head of ICRC in Baghdad. We emphasize again Iraq's express obligation under paragraph 30 of Security Council resolution 687 to facilitate the search by the ICRC for the missing. In keeping with this Security Council decision, we reiterate our demand that Iraq must allow the ICRC access to all places of detention in order to search for persons registered as missing. Iraq has still not accepted this requirement.

- Nearly one year has passed since all parties, including Iraq, agreed at a meeting on 7 March 1991 in Riyadh, to grant the ICRC, inter alia, all the facilities necessary to enable the ICRC to gather information to establish the whereabouts of missing persons. However, Iraq has not yet lived up to its commitments.

- To date, the Iraqi authorities have not effectively responded to individual inquiry files submitted by Kuwait and Saudi Arabia in October 1991. On 18 February 1992, four months after receiving these files, the Iraqi authorities have merely returned them to the ICRC with no information as to the specific measures taken to trace the cases. The Iraqi delegation at the 16-17 October 1991 Tripartite Commission Meeting in Geneva expressed its readiness to report to the ICRC within 10 days of receiving any tracing request.

- To date, the Iraqi authorities have not responded to ICRC inquiries outlined in paragraph 14 of annex D to the Secretary-General's factual report of 25 January 1992 (S/23514), including a request for information on persons who have died while in custody.

In conclusion, after submitting the letter of intent on 20 February 1992, Iraq, unilaterally assumes that it has met its obligations under paragraphs 30 and 31 of Security Council resolution 687 (1991) with regard to detainees. Such an attitude only underlines Iraqi disdain towards this humanitarian issue. Iraq's compliance with its obligations under paragraphs 2 (c) and 3 (c) of Security Council resolution 686 (1991) and paragraph 30 of Security Council resolution 687 (1991) should be judged by Iraqi actions, rather than by declarations of intent.

We should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Jean Bernard MERIMEE
Permanent Representative of France
to the United Nations

(Signed) Mohammad A. ABULHASAN
Permanent Representative of the State
of Kuwait to the United Nations

(Signed) Mustafa M. H. KAWTHAR
Chargé d'affaires of the Permanent
Mission of Saudi Arabia to the
United Nations

(Signed) David HANNAY
Permanent Representative of the
United Kingdom of Great Britain
and Northern Ireland to the
United Nations

(Signed) Alexander F. WATSON
Acting Permanent Representative of the
United States to the United Nations

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FURTHER REPORT OF THE SECRETARY-GENERAL ON THE STATUS OF COMPLIANCE BY IRAQ WITH THE OBLIGATIONS PLACED UPON IT UNDER CERTAIN OF THE SECURITY COUNCIL RESOLUTIONS

1. The present report is submitted to the members of the Security Council in response to the request made to the Secretary-General by the members in the course of their informal consultations on 3 March 1992. By the terms of that request, the Secretary-General is providing herein an update, in so far as is available, of the information presented in his report of 25 January 1992 1/ on Iraq's compliance with the obligations placed upon it by resolution 687 (1991) and subsequent relevant resolutions.

2. Under the same terms of the aforementioned request, the Secretary-General is also providing, in so far as is available, information on the status of Iraq's compliance with the provisions relating to the return of Kuwaiti property from Iraq to Kuwait (resolution 686 (1991), para. 2 (d)); information on the status of Iraq's compliance with the provisions relating to the demarcation of the international boundary between Iraq and Kuwait (resolution 687 (1991), para. 3); and information on Iraq's compliance with the relevant provisions of Security Council resolution 688 (1991) concerning the humanitarian situation of the Iraqi civilian population in many parts of Iraq, including in the Kurdish-populated areas. The requested information is presented in the four sections below.

I. UPDATE OF THE SECRETARY-GENERAL'S REPORT OF 25 JANUARY 1991

3. The update of the information in the Secretary-General's report of 25 January 1992, 1/ in so far as is available, is presented herein in such a way as to follow the pattern of that report. Thus, any new or additional information received, or lack of any such information, from the original contributing sources is presented or entered under the corresponding headings and subheadings, as indicated below.

A. Obligations of a general nature

4. In his letter of 23 January 1992 2/ addressed to the President of the Security Council, the Minister for Foreign Affairs of Iraq reiterated the position of his Government, declared in his earlier letter of 6 April 1991, 3/ that Iraq had found itself left with no other alternative but to accept resolution 687 (1991). In the letter of 23 January 1992 the Minister further stated the following:

> "During the period between the adoption of resolution 687 (1991) on 3 April 1991 and 31 December 1991, Iraq met a very large part of the conditions, restrictions and measures imposed upon it by resolution 687 (1991). ..."

5. No other information has been received with regard to this item.

B. Specific obligations

1. Respect for the inviolability of the international border and allocation of islands between Iraq and Kuwait (paras. 2 and 5 of resolution 687 (1991))

6. In his letter of 23 January 1992, 2/ the Minister for Foreign Affairs of Iraq specified the measures which he said the Government had undertaken in its dealings with the United Nations Iraq-Kuwait Observation Mission (UNIKOM), indicating that Iraq had "extended everything required to facilitate the work of UNIKOM and fully cooperated with the Mission in order to ensure the success of its tasks and avoid any difficulties".

7. Since the submission of the Secretary-General's report of 25 January 1992, 1/ there has been no change with regard to Iraq's compliance with paragraphs 2 and 5 of resolution 687 (1991) in the context of UNIKOM's mandate.

2. Obligations relating to conventional, biological or chemical weapons and such materials for warfare (paras. 8, 9 (a) and 10 of resolution 687 (1991), para. 3 of resolution 707 (1991) and para. 5 of resolution 715 (1991))

8. In his letter dated 23 January 1992, the Minister for Foreign Affairs of Iraq gave an account of the measures taken by the Government of Iraq in implementation of section C of resolution 687 (1991). 4/

9. In a communication dated 6 March 1992, the Executive Chairman of the Special Commission established under section C of resolution 687 (1991) submitted information bringing up to date the activities of the Commission that bear upon the status of Iraq's compliance with its obligations under the relevant Security Council resolutions. That information is reproduced in annex I to the present report.

3. Obligations relating to nuclear capability development programmes (paras. 10 and 12 of resolution 687 (1991), para. 3 of resolution 707 (1991) and para. 5 of resolution 715 (1991))

10. The comments in paragraph 8 above apply equally to this item.

11. In a communication dated 5 March 1992, the Director General of the International Atomic Energy Agency (IAEA) provided information on the developments that occurred in the course of the last two inspections carried out in Iraq (11-14 January and 5-13 February 1992). The text of the communication from the Director General of IAEA is reproduced in annex II to the present report.

4. Obligations relating to repatriation of and access to all Kuwaiti and third-country nationals in Iraq (para. 30 of resolution 687 (1991))

12. In his letter of 23 January 1992, the Minister for Foreign Affairs gave an account of the measures taken by Iraq with regard to the obligation under this item. 5/

13. In a further letter dated 28 February 1992, 6/ the Minister for Foreign Affairs of Iraq specified the measures taken by Iraq in order to meet its obligations with regard to paragraph 30 of resolution 687 (1991). In that connection, he indicated that Iraq had extended all necessary cooperation to the International Committee of the Red Cross (ICRC) in implementation of the provisions of paragraph 30 of the resolution. The letter also mentioned the visit to Iraq, at Iraq's invitation, of a team from the League of Arab States (LAS), as well as contacts Iraq had made with the "coalition States" under the auspices of ICRC. The attention of members of the Council is also drawn to the letter dated 6 March 1992, 7/ addressed to the Secretary-General by the representatives of France, Kuwait, Saudi Arabia, the United Kingdom of Great Britain and Northern Ireland and the United States of America in response to the letter of 28 February 1992 from the Minister for Foreign Affairs of Iraq.

14. Additional information concerning this item has been received from ICRC in a letter dated 6 March 1992, the text of which is reproduced below:

> "The International Committee of the Red Cross (ICRC) is actively pursuing the matter of the above-mentioned resolution and relevant paragraph, along the lines discussed with all the parties concerned during a meeting held in Geneva on 16 and 17 October 1991 under the auspices of ICRC. The procedures laid out during that meeting are an ongoing process and the representatives of the coalition have regularly been kept informed of the results.
>
> "Our Delegate General for the Middle East and Northern Africa is in Baghdad right now in an effort to negotiate further progress in the matter of concern to you. A new evaluation on the standing of the issue could therefore be made at a later and more appropriate stage."

5. Iraq's liability under international law for loss or damage resulting from its unlawful invasion and occupation of Kuwait (para. 16 of resolution 687 (1991))

15. The contribution from the United Nations Compensation Commission to the Secretary-General's report of 25 January 1992 1/ was included in section E of the annex to that report.

16. Additional information has been received from the Commission in a letter dated 5 March 1992, the text of which is reproduced below:

> "The only information that this office can add to our comments forwarded to you on 17 January 1992 is that at the end of the fourth session of the Governing Council held from 20 to 24 January 1992, the Council considered a request made by the Permanent Representative of Iraq asking for a five-year grace period for Iraq's contribution to the Compensation Fund in view of the country's financial obligations and its requirements in food and medicine.
>
> "The Council decided that 'questions concerning compliance of Security Council resolutions are of the competence of the Security Council and should therefore be addressed to it through the appropriate channels'."

6. Adherence to all obligations concerning the servicing and repayment of Iraq's foreign debt (para. 17 of resolution 687 (1991))

17. Information received from the International Monetary Fund (IMF) in a letter dated 6 March 1992 indicates that as of 29 February 1992, Iraq's arrears to IMF had increased to 8.6 million special drawing rights (SDRs). In this connection, the letter again draws attention to the position of the Iraqi authorities that, although willing to meet their financial obligations to the Fund, their attempts to do so have failed because of the international sanctions in place. IMF has also stated that it still had not received any information from the Iraqi authorities concerning their holdings of gold and other foreign currency reserves.

18. The Office of the Paris Club has reported no changes in the figures of Iraq's indebtedness to the members of the Club published in section F (ii) of the annex to the Secretary-General's report of 25 January 1992.

7. Non-entitlement to claims deriving from the effects of the measures taken by the Security Council in resolution 661 (1990) and related resolutions (para. 29 of resolutions 687 (1991))

19. No new information has been received with regard to this item.

8. Liability by Iraq for the full cost of the tasks authorized under section C of resolution 687 (1991) (para. 4 of 699 (1991))

20. As of 29 February 1992, financial commitments for the implementation of the four tasks listed in the Secretary-General's report of 25 January 1992 amounted to $18.6 million. This amount was provided through a commitment authority of $10 million by the Advisory Committee on Administrative and Budgetary Questions under the provisions of General Assembly resolution 44/203 of 2 December 1989 on unforeseen and extraordinary expenses, as well as by contributions from certain Member States in the amount of $8.6 million.

9. Requirement to provide monthly statements of gold and foreign currency reserves holdings (para. 7 of resolution 706 (1991))

21. To date, the Secretary-General has received no notification from Iraq of the amount of its holdings of gold and foreign currency reserves. This has also been confirmed by IMF (see para. 17 above).

C. Other obligations

1. Undertaking required on not committing, supporting or abetting commission of any international terrorist acts (para. 32 of resolution 687 (1991))

22. In his letter of 23 January 1992, 9/ the Minister for Foreign Affairs reiterated the position of the Government of Iraq regarding this item, as stated in the letters from Iraq mentioned in the Secretary-General's report of 25 January 1992. 10/

23. No other information has been received with regard to this item.

2. Compliance with obligations in the Treaty on the Non-Proliferation of Nuclear Weapons of 1 July 1968 (para. 5 of resolution 707 (1991))

24. No new information has been received with regard to this item.

II. COMPLIANCE BY IRAQ REGARDING THE RETURN OF KUWAITI PROPERTY FROM IRAQ TO KUWAIT

(Resolution 686 (1991), para. 2 (d))

25. Pursuant to the adoption of Security Council resolution 686 (1991) of 2 March 1991 and an exchange of letters between the President of the Security Council and the Secretary-General, a Coordinator for the return of property was appointed by the Secretary-General on 26 March 1991. 11/ Since that time a number of discussions and meetings have taken place with the responsible Iraqi and Kuwaiti officials. The return of the property has commenced and, to date, properties of the Central Bank of Kuwait, the Central Library of Kuwait,

the National Museum of Kuwait, the Kuwait News Agency, Kuwait Airways Corporation and the Kuwait Air Force have been returned. A number of additional items are ready for return and the process is continuing. In addition, Kuwait has submitted lists of properties from other ministries, corporations and individuals that are being pursued. The Iraqi and Kuwaiti officials involved with the return of property have extended maximum cooperation to the United Nations to facilitate the return.

III. COMPLIANCE BY IRAQ UNDER THE MANDATE OF THE IRAQ-KUWAIT BOUNDARY DEMARCATION COMMISSION

26. The Iraq-Kuwait Boundary Demarcation Commission, which was established pursuant to the provisions of paragraph 3 of resolution 687 (1991), has provided information which states that Iraq has fully participated in the work of the Commission. The information further states as follows:

> "Iraq has attended all of the meetings, has participated in the voting procedures of the Commission and has taken an active role in the drafting of the Commission's report to the Secretary-General. The preliminary field work of the Commission, the first stage of surveying and mapping, was concluded in November 1991 without any hindrance on the part of Iraq.
>
> "It is expected that Iraq will fully participate in the next session of the Commission, which is scheduled for 8 to 16 April in New York."

IV. COMPLIANCE BY IRAQ UNDER SECURITY COUNCIL RESOLUTION 688 (1991)

27. In paragraphs 2, 3 and 7 thereof, Security Council resolution 688 (1991) of 5 April 1991 imposed obligations upon Iraq.

28. On 25 June 1991, the Chairman of the Commission on Human Rights, following decision 1991/256 of the Economic and Social Council, appointed a Special Rapporteur (Mr. Max van der Stoel, Minister of State of the Netherlands) for a fact-finding mission to Iraq, the Islamic Republic of Iran and Saudi Arabia. The Special Rapporteur, in accordance with the Commission's resolution 1991/74, prepared a report which was published on 18 February 1992 in document E/CN.4/1992/31. It is also to be circulated as document S/23685. Attention is drawn to the conclusions and recommendations contained in paragraphs 146 to 159 of that report.

29. Also, the Office of the Executive Delegate of the Secretary-General has forwarded observations on the issues identified as falling under its purview relating to paragraphs 2, 3 and 7 of resolution 688 (1991). Those comments are reproduced in annex III to the present report.

Notes

1/ S/23514.

2/ S/23472, annex.

3/ S/22456, annex.

4/ S/23472, enclosure, sects. 3-23.

5/ S/23472, enclosure, paras. 28 and 29.

6/ S/23661, annex.

7/ S/23686.

8/ S/23514, annex, sect H, para. 2.

9/ S/23472, enclosure, para. 30.

10/ S/23514, para. 19.

11/ S/22387.

Annex I

Information received from the Special Commission

Section C of Security Council resolution 687 (1991) and resolutions 707 (1991) and 715 (1991)

Introduction

1. Since the circulation on 25 January 1992 of the report by the Secretary-General on the status of compliance by Iraq with the obligations placed upon it under certain of the Security Council resolutions relating to the situation between Iraq and Kuwait, a/ two notes by the Secretary-General dated 18 and 26 February 1992 respectively, b/, c/ have been issued which contain reports by the Executive Chairman of the Special Commission. These reports bring up to date the information contained in the report of 25 January regarding the status of Iraq's compliance with, in particular, Security Council resolutions 707 (1991) and 715 (1991).

2. The present document contains a brief account of the developments recorded in the reports just mentioned and the Council's actions on those reports. Thereafter it brings up to date the information contained in the report of 25 January 1992 in so far as it relates to the inspection activities undertaken under the aegis of the Special Commission in the discharge of its responsibilities under section C of Security Council resolution 687 (1991).

Security Council resolutions 707 (1991) and 715 (1991)

3. In the report of 18 February, b/ the Executive Chairman of the Special Commission indicated that, despite the Special Commission's best efforts, Iraq was continuing to refuse to make the full, final and complete disclosure called for under Council resolution 707 (1991) of all its programmes and capabilities relating to weapons of mass destruction and ballistic missiles with a range greater than 150 kilometres. While some additional information on Iraq's programmes for the production of weapons of mass destruction had been obtained since 25 January 1992, this had to be done through a procedure of question and answer. The Special Commission was convinced that such a procedure could not result in detection of as yet undeclared elements of the Iraqi programmes and that its usefulness had been exhausted. Information on such elements was essential for a full understanding of Iraq's programmes and could be obtained only if Iraq met its obligations under Council resolution 707 (1991) to provide a full, final and complete disclosure of its programmes (see para. 13 below). In respect of Council resolution 715 (1991), and the plans for ongoing monitoring and verification approved thereunder, Iraq was maintaining the position stated in a letter to the President of the Security Council of 19 November 1991 which constituted an apparent rejection of the plans and thus of the resolution.

4. Consultations held in the Council on 18 and 19 February 1992 on the Executive Chairman's report resulted in the issue by the President on 19 February of a statement on behalf of the members of the Council. d/ In this it was recorded, inter alia, that Iraq's failure to acknowledge its obligations under resolutions 707 (1991) and 715 (1991), its rejection of the two plans for ongoing monitoring and verification and its failure to provide the full, final and complete disclosure of its weapons capabilities constituted a continuing material breach of the relevant provisions of resolution 687 (1991). The statement further provided that unconditional agreement by Iraq to implement these obligations was one of the essential preconditions for any reconsideration by the Council under paragraphs 21 and 22 of resolution 687 (1991) of the prohibitions referred to in those paragraphs. In the statement the members of the Council welcomed the decision of the Secretary-General to dispatch a special mission headed by the Executive Chairman of the Special Commission to visit Iraq immediately to meet and discuss with the highest levels of the Iraqi Government for the purpose of securing the unconditional agreement by Iraq to implement all its relevant obligations under resolutions 687 (1991), 707 (1991) and 715 (1991).

5. The report by the Executive Chairman of the Special Commission of 26 February 1992 related to the outcome of the special mission's visit to Baghdad, which had taken place from 21 to 24 February 1992. In the course of the discussions held during that visit, the special mission and the Iraqi side had exchanged written statements of their positions. e/ After a careful review of the statement of Iraq, and taking account of the discussions held, the Executive Chairman indicated that he had regretfully concluded that he had been unable to secure unconditional agreement by Iraq to implement all its relevant obligations under Security Council resolutions 687 (1991), 707 (1991) and 715 (1991). Iraq had indicated, instead, that its delegation to be dispatched to talk to the Security Council in the near future would convey Iraq's position on resolutions 707 (1991) and 715 (1991). In a letter of 24 February 1992 addressed to the Secretary-General, the Minister for Foreign Affairs of Iraq repeated essentially the points made in the written statement that had been given to the special mission. At the request of the Foreign Minister this letter was circulated to the Security Council. f/

6. Consultations in the Council on this report of the Executive Chairman on 27 and 28 February 1992, during which the Council was also informed orally of Iraq's refusal to undertake as directed by the Special Commission destruction of certain of its ballistic missile capabilities (see document S/23673 and para. 12 below), resulted in the issue of a statement of 28 February 1992 by the President of the Council, on behalf of the Council, at its 3058th meeting on 28 February 1992. g/ In this statement the members of the Council approved in full the conclusions of the special mission. They also deplored and condemned the failure of Iraq to provide the special mission with the acknowledgements and undertakings which it had been sent by the Council to obtain and its failure to commence within the prescribed time destruction of ballistic missile-related equipment designated for destruction by the Special Commission. The statement records that this latter refusal constituted a

further material breach of the relevant provisions of resolution 687 (1991). In the statement the members of the Council required Iraq to communicate directly to the Council without further delay an authoritative and unconditional acknowledgement of its agreement to accept and implement its obligations under the Council's resolutions.

Inspection activities and other issues arising under section C of Security Council resolution 687 (1991) and related resolutions

Chemical and biological weapons

7. From 27 January to 5 February 1992 the seventh chemical weapons inspection (UNSCOM 26) visited 10 sites, of which 5 were declared and 5 undeclared. The undeclared sites included a chemical-warfare training facility, an ammunition-storage depot, a fertilizer factory, a large military training complex and an ammunition repair facility. The declared sites visited included the Al-Qa'Qa phosgene plant and four commercial sites where fermentation equipment was either currently in use or had been in use at one time. Although there was no evidence of any proscribed items or activities the team determined that the phosgene plant, because of its chemical-warfare potential, required compliance monitoring. Additionally, the team observed a test run of a small-scale nerve agent hydrolysis operation as an ongoing evaluation of the Iraqi destruction proposals. Further test results are required before rendering a decision on the efficacy of the proposed process. The team also verified the return to the Muthanna State Establishment of all remaining chemical bomb-casing manufacturing equipment from a sugar factory in Mosul as directed by a previous inspection team.

8. A special mission headed by two members of the Special Commission was in Iraq at the same time as UNSCOM 26. That mission was able to obtain previously undisclosed information on the development, support and manufacturing components of the Iraqi chemical weapons programme. During question-and-answer sessions the Iraqi officials were asked to describe the function of each item of machinery at the Muthanna workshop to the UNSCOM 26 inspection team, allowing the inspectors to determine which of the chemical weapon systems had in fact been manufactured, modified or assembled at Muthanna.

9. During the special mission, Iraqi officials produced statistics for specific types of chemical munitions imported. However, many of these figures are contradictory or show a considerable increase from the previously declared numbers. Iraqi authorities have yet to provide consistent complete answers to fundamental weapon-stockpile issues as required under Council resolution 687 (1991). Without documentary evidence to validate constantly changing figures, the Special Commission cannot conclude that Iraq has complied with its responsibilities for full disclosure.

10. The first chemical destruction mission (UNSCOM 29) is currently in Iraq controlling the destruction of approximately 450 sarin-filled 122 mm rockets at Khamisiyah, which were judged by a previous inspection team (UNSCOM 20) to be too dangerous to move and thus to require destruction in place.

11. With respect to the biological warfare programme, Iraqi officials to the special mission that they had nothing further to add to what had already been provided to the two biological weapons inspection teams. They maintained that all documents and information related to the programme had either been handed over to the first biological inspection team or had been destroyed. The Special Commission remains convinced that this aspect will require watchful monitoring in the future.

Ballistic missiles

12. One ballistic missile inspection (UNSCOM 28) has been conducted since the last report. During the period 21 to 28 February a total of seven sites were inspected, three of which were on a short-notice basis. The team conducted an inventory at four of the sites, validated previous catalogued items and identified for destruction additional items that had been moved to the site or recovered from destroyed structures. The main focus of the inspection was to supervise the destruction of some of the missile repair and production facilities and equipment identified for destruction in a letter of the Special Commission to Iraq of 14 February 1992. h/ The date for destruction was set for 26 February. The Iraqi officials, however, refused to carry out the destruction, referring the issue to higher authority. On 27 February the Iraqi Government, through its Permanent Mission to the United Nations, requested from the Special Commission a delay of 24 hours for commencing destruction. The delay was granted. However after 24 hours the Iraqi authorities informed the Commission, in a letter of 28 February, i/ and orally the inspection team, that it still refused to carry out the destruction required. The team was then withdrawn from Iraq and the matter referred to the Security Council (see para. 6 above).

13. At one location designated for a short-notice inspection, the team found equipment and machinery clearly designated for an Iraqi declared ballistic missile production activity at another location. This equipment had not been previously declared at any location. At the time this equipment was found the special mission headed by the Executive Chairman of the Special Commission was being informed that Iraq had already provided all necessary information. The concurrence of these two events underlines the importance of the full, final and complete disclosure called for by Council resolution 707 (1991).

14. The team also observed reconstruction of structures at sites declared by Iraq under the provisions of Council resolution 687 (1991).

15. The Special Commission can only conclude that Iraq has yet to provide full disclosure in the area of ballistic missile activity proscribed by Council resolution 687 (1991).

Additional inspections

16. In early February, a Special Commission inspection team (UNSCOM 30), augmented by inspectors from an IAEA inspection team, carried out an inspection at the Ministry of Industry and Minerals, a non-declared site. The purpose was to investigate a report that computers had been moved to that location which were suspected to have been used for activities prohibited by Council resolution 687 (1991). Four mainframe computers were located at the site (referred to as the Al-Rafidien computer centre): three of them appeared non-operational and a random sampling of files present in the fourth revealed nothing related to Council resolution 687 (1991).

Issues relating to the obligations of Iraq in connection with the facilities, privileges and immunities of the Special Commission and IAEA

17. No progress has been made in respect of the issues raised in paragraphs 31 to 33 of the attachment to the Secretary-General's report of 25 January 1992. a/ Regarding the Special Commission's aerial surveillance flights, Iraq continues to protest vigorously such flights despite the clear right of the Special Commission to undertake them. The problems at Habbaniyah airport, as the Executive Chairman reported to the Council on 18 February 1992 b/ have led to an official approach to the Government, recalling the relevant provisions of resolution 707 (1991) on the Special Commission's landing rights and proposing that the Commission's incoming and outgoing flights use one of two now operational airports within the city limits of Baghdad. No reply has been received to date. During the visit of the most recent special mission to Baghdad the Executive Chairman of the Special Commission indicated, as he reported to the Council, j/ that he was prepared to discuss with the Government practical arrangements to take account of any legitimate concerns it might have regarding the use of airports. So far this offer has not been taken up.

18. Iraq has still not returned all the documents forcibly removed from a nuclear inspection team in Baghdad on 23 September 1991. b/

Summary

19. Since the Secretary-General's report of 25 January 1992 was issued, a/ strenuous efforts have been made by the Security Council and by the Special Commission to obtain from Iraq acknowledgement of its obligations under Security Council resolutions 707 (1991) and 715 (1991) and its unconditional agreement to implement all of its obligations under resolutions 687 (1991), 707 (1991) and 715 (1991). So far, these acknowledgements and undertakings have not been obtained, much less tested in practice. If this situation persists, and if the high-level Iraqi delegation to meet with the Security Council in the immediate future does not provide the acknowledgements and

undertakings demanded in the statements by the President of the Council of 19 and 28 February 1992, the Special Commission will be neither legally nor practicably able to initiate the programme for ongoing monitoring and verification of Iraq's compliance with its obligations under section C of Security Council resolution 687 (1991). This programme is an integral part of the cease-fire resolution. The solution to this matter, in accordance with the Security Council resolutions, now lies with Iraq.

20. Among the outstanding matters at this time, the following would appear to be the most important:

(a) Failure by Iraq to acknowledge its obligations under Council resolutions 707 (1991) and 715 (1991) and under the plans approved by resolution 715 (1991);

(b) Failure by Iraq to agree to implement unconditionally all its obligations under section C of Council resolution 687 (1991) and resolutions 707 (1991) and 715 (1991);

(c) Failure by Iraq to provide all the information required under resolutions 687 (1991) and 707 (1991) in order for the Special Commission and IAEA to have a full, final and complete picture of all aspects of Iraq's programmes for weapons of mass destruction and ballistic missiles with a range greater than 150 km; k/

(d) Failure by Iraq to provide the declarations required under the plans for ongoing monitoring and verification;

(e) Failure by Iraq to make arrangements necessary for the implementation, in the interests of efficient performance, of certain of the facilities, privileges and immunities of the Special Commission, such as airport landing rights;

(f) Failure by Iraq to comply with the Special Commission's instructions regarding the destruction of items and facilities used in its proscribed ballistic missile programmes.

Notes

a/ S/23514.

b/ S/23606.

c/ S/23607.

d/ S/23609.

e/ S/23643, appendices I and II.

Notes (continued)

f/ S/23636.

g/ S/23663.

h/ S/23673, annex I, enclosure I.

i/ S/23673, annex III, enclosure.

j/ S/23643, enclosure, para. 9.

k/ Illustrative of the missing information is the list contained in the statement by the recent special mission delivered to the Government of Iraq on 22 February 1992 which is to be found in appendix I, part B, para. 2, of the special mission's report to the Secretary-General, e/.

Annex II

Information received from the International Atomic Energy Agency

Pages 16 to 20 of document S/23514 contain the report of the Director General of IAEA on Iraq's compliance with its obligations under United Nations Security Council resolutions as they relate to nuclear activities.

Some recent developments, occurring during the ninth (11-14 January 1992) and the tenth (5-13 February 1992) Agency inspections, may warrant an updating of document S/23514. We suggest the addition of the following paragraphs.

"In the course of the two last inspections - IAEA/9 of 11 to 14 January 1992 and IAEA/10 of 5 to 13 February 1992 - the following developments occurred:

(a) During the January inspection, the Iraqi technical team provided important information on the extent of procurement of stock materials needed for the manufacturing of several thousand ultracentrifuges intended for the production of enriched uranium. It stated that those stock materials had been rendered harmless or destroyed prior to the commencement of Agency inspections under resolution 687 (1991). Agency inspectors were taken to the sites where the remains of these materials were stored;

(b) In the course of the February inspection, the Iraqi technical team repeatedly declared that it was anxious to close the present phase of inspection and to start implementing the plan for ongoing monitoring and verification. It proposed to clarify, once and for all, all the oustanding issues concerning past nuclear activities and that IAEA define what is still needed of it;

(c) As to the position of the Iraqi authorities regarding the provision of information pursuant to Security Council resolution 715 (1991) and relevant to the plan for future ongoing monitoring and verification, a/ the Iraqi technical team conceded that the information transmitted so far did not conform with the requirements under the plan, specifically:

(i) Annex II to document S/22872/Rev.1 requires that the initial information to be submitted by Iraq cover the period from 1 January 1989, whereas the information received from Iraq reflects the situation as of the date the information was prepared (November 1991), i.e. after the Persian Gulf War, during which certain facilities and equipment had been damaged, and subsequent to the destruction of items by the Iraqi side itself;

(ii) The list of items to be reported to IAEA, contained in annex III to document S/22872/Rev.1 should not have been limited to items in the possession of the Iraqi Atomic Energy Commission, but should have included all items of the kind in question existing in Iraq.

The Iraqi technical team advised the Agency team that, while modifications of the initial information could be made in order to reflect the situation as of 1 January 1989, it could not comply with the second requirement as it deemed it practically impossible to extend the list to cover all items of the kind in question existing in Iraq."

Notes

a/ S/22872/Rev.1.

Annex III

Comments from the Office of the Executive Delegate of the Secretary-General

Paragraph 2 of Security Council resolution 688 (1991) demands that Iraq end the repression (of the Iraqi civilian population in Iraq, including in Kurdish-populated areas).

Since late October 1991, serious restrictions on the supplies of essential commodities, in particular food and fuel, have been imposed by the Government on the three northern Governorates of Dohuk, Erbil and Suleimaniya. While these restrictions have not affected the three Governorates in a uniform manner, the population has experienced considerable hardship as a result: less than half of the regular food rations were distributed to the northern region during December. At the same time, the salaries of civil servants in the three Governorates have not been paid since November 1991.

On 9 December 1991, the executive heads (the Executive Delegate, the United Nations High Commissioner for Refugees, the Executive Directors of the United Nations Children's Fund and the World Food Programme and the Director General of the World Health Organization) expressed their concern in this respect to the Government of Iraq, noting that United Nations humanitarian agencies were not in a position to replace essential services and assure the provision of goods denied to the Kurdish population at large. The Government's position, as conveyed to the Coordinator and Special Representative in Baghdad, is that the restrictions have been imposed in view of the inability of the Kurdish leadership to maintain security and protect Government personnel and resources. To date, the series of discussions between the Government and representatives of the Kurdish leadership have not succeeded in putting an end to the supply restrictions.

By paragraph 3 of the same resolution, the Council "insists that Iraq allow immediate access by international humanitarian organizations to all those in need of assistance in all parts of Iraq and to make available all necessary facilities for their operations" ... and, by paragraph 7, it "demands that Iraq cooperate with the Secretary-General to these ends".

The Executive Delegate negotiated with the Government of Iraq and signed with the Minister for Foreign Affairs on 18 April 1991 a Memorandum of Understanding for the implementation of the United Nations inter-agency humanitarian programme in Iraq.

Paragraph 15 of the Memorandum provides that the Government of Iraq shall cooperate in granting international humanitarian organizations access to the parts of the country requiring relief, by air or road as needed, to facilitate the implementation and monitoring of the programme. Paragraphs 4 and 8 also provide for the Government's cooperation for the establishment of United Nations sub-offices and relief centres as required for humanitarian assistance.

On 24 November 1991, the Foreign Minister and the Executive Delegate agreed to renew and extend the Memorandum of Understanding up to the end of June 1992. In the new Memorandum of Understanding (paras. 3, 13, 14, 17 and 18), the Government commits itself to the extension of further cooperation for United Nations relief activities in facilitating access to those in need.

On the basis of this Memorandum, the Government has extended its cooperation in facilitating the access of United Nations agencies and other international organizations where necessary in most parts of Iraq. Repeated endeavours by the Executive Delegate, however, for the establishment of humanitarian centres at Kirkuk, in the north, and at Nasariya and Hammar, in the south, have not yet met with the approval of the Government. The Executive Delegate notified the Government that its refusal failed to comply with the letter and the spirit of the Memorandum of Understanding concluded with the United Nations for the implementation of the inter-agency humanitarian programme.

The Government's position in this respect, as conveyed to the Executive Delegate, is that, according to the Memorandum of Understanding, the establishment of United Nations humanitarian centres and the determination of humanitarian needs is to be undertaken "in agreement and cooperation with the Government of Iraq" and with due respect for the latter's independence, sovereignty and territorial integrity; given the need for agreement, the Government's refusal is not to be construed as a unilateral act.

Under the original Memorandum of Understanding, the Government committed itself to make available cash contributions in local currency to help to cover in-country operational costs while pursuing discussions regarding the establishment of a special exchange rate for relief operations carried out by the agencies and organizations participating in the programme. During 1991 Iraq accordingly contributed 1.5 million Iraqi dinar. Under the new Memorandum of Understanding, the Government undertook to make available cash contributions in local currency in the amount of 1 million Iraqi dinar at the beginning of each month. As of 17 January 1992, however, no such contribution had yet been received by the inter-agency programme despite repeated requests to this effect with the respective authorities.

UNITED
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Security Council

Distr.
GENERAL

S/23688
9 March 1992

ORIGINAL: ENGLISH

REPORT BY THE SECRETARY-GENERAL CONCERNING THE CREDENTIALS OF THE ALTERNATE REPRESENTATIVE OF CAPE VERDE ON THE SECURITY COUNCIL

Pursuant to rule 15 of the provisional rules of procedure of the Security Council, the Secretary-General wishes to report that he has received a letter dated 4 March 1992 from the Chargé d'affaires a.i. of the Permanent Mission of Cape Verde to the United Nations stating that Mr. Jorge Custodio Santos has been appointed alternate representative of Cape Verde on the Security Council.

In the opinion of the Secretary-General, this letter constitutes adequate provisional credentials.

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UNITED
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Security Council

Distr.
GENERAL

S/23689
9 March 1992
ENGLISH
ORIGINAL: SPANISH

LETTER DATED 5 MARCH 1992 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF ARGENTINA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to refer to your note SCPC/2/92 (1) of 28 January 1992. I have the honour to inform you in that connection that Argentina, while it welcomes the adoption of Security Council resolution 733 (1992), has not in the last five years offered or exported weapons to the Government of Somalia or to firms in that country.

(Signed) Alfredo V. CHIARADIA
Chargé d'affairs a.i.

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UNITED
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Security Council

Distr.
GENERAL

S/23690
10 March 1992
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 9 MARCH 1992 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I wish to inform you that the United States Air Force continued to violate Iraqi airspace during the period from 27 February to 6 March 1992 for the purpose of surveillance and provocation, as follows:

27-28 February 1992

Fifteen sorties, flown by 7 two-aircraft formations and one single aircraft at speeds of 600-800 km/h and at altitudes of 2,500-19,000 m, centred on Amadiyah, Dohuk, Zakho, Irbil, Mosul, Tall Afar and Dukan.

28-29 February 1992

Seven sorties, flown by 3 two-aircraft formations and one single aircraft at speeds of 600-900 km/h and at an altitude of 6,500 m, centred on Zakho, Dohuk, Mosul, Amadiyah and Irbil.

At 1050 hours on 28 February 1992, two F-111s overflew Faruq airfield at a speed of 500 km/h and at an altitude of 700 m.

29 February-1 March 1992

Twenty-two sorties, flown by 9 two-aircraft formations and four single aircraft at speeds of 600-900 km/h and at altitudes of 4,000-6,500 m, centred on Mosul, Irbil, Dohuk, Zakho, Rawanduz and Amadiyah.

1-2 March 1992

Nine sorties, flown by 4 two-aircraft formations at speeds of 600-900 km/h and at altitudes of 4,000-5,500 m, centred on Irbil, Dohuk, Zakho and Amadiyah.

2-3 March 1992

Sixteen sorties, flown by 8 two-aircraft formations at speeds of 600-900 km/h and at altitudes of 3,000-5,000 m, centred on Mosul, Irbil, Dohuk, Amadiyah, Zakho and Ayn Zalah.

At 0855 hours on the same day, two F-16s overflew Faruq airfield at a speed of 600 km/h and at an altitude of 1,000 m.

3-4 March 1992

Thirty-nine sorties, flown by 16 two-aircraft formations, 1 three-aircraft formation and four single aircraft at speeds of 600-900 km/h and at altitudes of 2,000-8,000 m, centred on Irbil, Mosul, Tall Afar, Dohuk, Ayn Zalah, Rawanduz, Amadiyah, Zakho and the area to the west of Dukan.

4-5 March 1992

Thirty-five sorties, flown by 16 two-aircraft formations and three single aircraft at speeds of 600-900 km/h and at altitudes of 3,000-7,000 m, centred on Irbil, Tall Afar, Dohuk, Zakho, Amadiyah and Dukan.

5-6 March 1992

Seven sorties, flown by 2 two-aircraft formations and three single aircraft at speeds of 600-900 km/h, centred on Mosul, Tall Afar, Amadiyah, Zakho and Ayn Zalah.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Abdul Amir A. AL-ANBARI
Ambassador
Permanent Representative